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rather than in the strict justice of the law, it is available only while the accused is still on mercy's ground."

Advertising by Physicians.—In Colorado there is a law which provides that "causing the publication of an advertisement relating to the sexual organs" by a physician shall be an offense. The Supreme Court of Colorado in *Chenoweth v. State Board of Medical Examiners*, 135 Pacific Reporter, 771, holds that the statute is void for a number of different reasons, one of which is stated thus: "Besides, the penalty provided is so grossly excessive and unconscionable as to make the statute repugnant to every sense of justice if not to render it void for such reason. Under its provision a physician who has spent many years and vast sums of money to qualify himself to practice medicine, who has spent many more years in the practice, and thereby established a reputation and a practice worth thousands of dollars to him annually, and yet, if he shall publish an advertisement relating to a disease of the sexual organs, however innocent of wrong may be the intent, he must have all this taken from him, and have the consequent ignominy and contempt heaped upon him in addition. * * * Any person other than a physician may publish such advertisements at will. If such publication tends to injuriously affect the public morals, it is not by reason of the fact that the publication is caused by a physician. The effect is precisely the same whoever may be the publisher. The offense, if it be one, is a public one, equally applicable to all persons. The statute that makes the act an offense only when committed by a physician, and provides an excessive penalty in such case, is clearly discriminatory in that it applies to a class of citizens only, and for that reason alone is void."

"Bite" of Angora Cat as Ground for Recovery of Damages.—The case of *Bischoff v. Cheney* (Conn.), 92 Atl. 660, holds that the fact that an Angora cat strays onto the premises of one not its owner and bites the occupant does not entitle the one receiving the bite to damages for the injury sustained, in an action against the owner of the cat, there being no evidence that the cat was known by its owner to be vicious. The opinion of the court in this case is instructive on the question of the duty towards his neighbors of one owning a cat. A good summary of his duty is contained in the following passage: "The cat is not a species of domestic animals naturally inclined to mischief, such as, for example, cattle, whose instinct is to rove, and whose practice is to eat and trample growing crops. The cat's disposition is kindly and docile, and by nature it is one of the most tame and harmless of all domestic animals. The practical impossibility of preventing trespassing unless it be confined as would be an animal *feræ naturæ*, the infrequency of dam-

age from their wandering and the freedom to roam permitted them by all, makes especially reasonable the rule that no negligence can be attributed to the mere trespass of a cat which has neither mischievous nor vicious propensities, and consequently no liability attaches for such trespasses, since an owner cannot be compelled to anticipate and guard against the unknown and unusual. If, however, the cat be of a species having, or in fact of, a mischievous or vicious disposition, and its owner knows this propensity, and then permits the cat to go at large or trespass, he will be liable for the damage done by it resulting from the trespass. His liability arises from his negligence in permitting the cat of this known disposition to trespass or be at large and in his violation of his duty to use reasonable care to restrain the cat."

Abandonment of Homestead While in Jail.—The husband and wife in the present controversy, owners of a homestead, were summarily interrupted in their domestic relations by the arrest of the husband on a criminal charge. He was then confined in jail for several months, during which time the wife returned to the home of her father, where the husband also repaired immediately on his release, instead of returning to the homestead. Being in financial straits, he then conveyed the homestead property without his wife joining in the deed. No objection was raised to this transaction till several years later, when it was sought to recover the property on the ground that the conveyance was illegal, in that the wife was not made a party thereto. Defendant thereupon to sustain his purchase, attempted to show abandonment of the homestead and that consequently the wife's joinder was not necessary. The Supreme Court of Mississippi, while determining that the premises had become abandoned by the residence at the home of the wife's father, yet held that the detention in jail did not amount to abandonment, which necessarily implies that the act should be done on the party's own volition. *Lindsey v. Holly*, 63 Southern Reporter 222.

Burglary by Breaking Out of a Building.—Under the old English common law it is said not to have constituted the offense of burglary if one succeeded in getting into a house for purpose of felony, and then breaking out in order to get away. To obviate this, the statute of 12 Anne was passed to cover the crime committed in the manner mentioned. The Kentucky statute, enacted with the apparent purpose of "catching them coming and going," merely provides that "if any person * * * shall feloniously break any dwelling house, * * * and feloniously take away anything of value," etc. Appellant in the case of *Lawson v. Commonwealth*, 169 Southwestern Reporter 587, was convicted of violation of this statute. The evidence was somewhat circumstantial, but went to indicate that ac-